PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | WALCZAK ET AL. | ) | |
| | | ) | Examiner S. Bhattacharya |
| Appl. No. | 09/769,122 | ) | |
| | | ) | Art Unit 2687 |
| Confirm. No. | 5562 | ) | |
| | | ) | Atty. Docket No. CS10560 |
| Filed: | 24 January 2001 | ) | |

Title: "Method And System For Validating A Mobile Station Location Fix"

# PRE-APPEAL BIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

**Review Request, Claims Pending**

The claims stand rejected in final Official Action of 15 June 2007. Pre-appeal brief review is requested. A notice of appeal has been filed herewith. The Claims have not been amended subsequent to the mailing of the final office action. Claims 14, 20, 29, 30, 32 and 33 were indicated as being allowable. Claims 1-4, 8-9, 11-15, 20-21, 26-27 and 29-33 are pending.

**Discussion of Premature Finality of Rejection**

The finality of the Examiner's rejection in the 15 June 2007 Office action is premature. The claims were rejected on new grounds. The new grounds however were not necessitated by Applicants' amendments.

In Applicant's response filed on 30 March 2007, claims indicated as being allowable by the examiner were amended in independent form. Particularly, Claim 1 was amended to include limitations of allowable Claim 7, Claim 12 was amended to include limitations of allowable Claim 16, Claim 21 was amended to include limitations of Claim 25, and Claim 27 was amended to include limitations of allowable Claim 28. Claims 7, 16, 25 and 28 were canceled. Dependent Claims 3, 4, 8 and 11 were amended for consistency with Amended Claim 1. Finality is premature since the claims were rejected on new grounds in the absence of new issues.

## Argument re: Jones & Loomis

Claims 1-3 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2001/0052849 (Jones) in view of U.S. Patent No. 6,225,945 (Loomis).

In paragraph [0021], Jones discloses a validation check routine wherein a GPS enabled wireless receiver (20) compare an initial location and GPS time to validation data sets received over the air from a server. The validation check routine ensures that the system is operating correctly and that the GPS location is not grossly erroneous.

Regarding Claim 1, the Examiner admits that Jones fails to determine whether the "... non-network based location fix is within a specified range of a prior location fix..." wherein the "... range is based on an estimated velocity of the mobile station and a time interval..." between location fixes. The object of Loomis is to provide a GPS receiver that computes its first location fixed relatively quickly without using current ephemeris data (satellite orbital trajectory information). Ephemeris data has

a relatively short life, approximately a few hours. Loomis uses outdated ephemeris data or almanac data to compute the GPS receiver velocity, which is used to compute the new location. Thus Loomis does not evaluate the validity of a location fix. (Loomis computes a new location fix). Moreover, Loomis does not determine whether a current location fix is within a specified range of a prior location fix based on the velocity of the device and a time interval between fixes. Loomis integrates the velocity of the receiver from the last known location of the receiver to obtain the new location fix. Thus Claim 1 is patentably distinguished over Jones and Loomis.

**Arguments re: Jones & Durst**

Claims 12, 13, 15, 21, 26, 27and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2001/0052849 (Jones) in view of U.S. Patent No. 6,480,147 (Durst).

In paragraph [0021], Jones discloses a validation check routine wherein a GPS enabled wireless receiver (20) compare an initial location and GPS time to validation data sets received over the air from a server. The validation check routine ensures that the system is operating correctly and that the GPS location is not grossly erroneous.

Regarding Claim 12, the Examiner admits that Jones fails to disclose "...ordering a plurality of prior location fixes by applying a corresponding time of acquisition attribute thereto..." and "... evaluating the validity of the satellite positioning system based location fix by comparing the satellite positioning system based location fix to at least one of the plurality of time stamped prior location fixes." Durst discloses an animal tracking GPS receiver that automatically provides position

information to a paging transmitter when the animal changes its position, wherein the paging transmitter re-transmits the position information to a receiver. Contrary to the Examiner's suggestion, Durst does not disclose "...ordering a plurality of prior location fixes by applying a corresponding time of acquisition attribute thereto..." and "... evaluating the validity of the satellite positioning system based location fix by comparing the satellite positioning system based location fix to at least one of the plurality of time stamped prior location fixes" as recited in Claim 12. Claim 12 is thus patentably distinguished over Jones and Durst.

Regarding Claim 21, Jones fails to disclose "... estimating a future position fix..." and "...evaluating the validity of a recently generated location fix ... by determining whether it is within a specified range of the estimated future position fix ...." At paragraph [0020], referenced by the Examiner, Jones discusses the characterization and location format for boundary rules or zones stored on a GPS receiver. The Examiner does not indicate how the disclosure of Durst supports the rejection. Durst nevertheless fails to disclose the "estimating" and "evaluating" steps of Claim 21. Claim 21 is thus patentably distinguished over Jones and Durst.

Regarding Claim 27, the Examiner admits that Jones fails to disclose or suggest a cellular mobile station comprising an information processor "... for evaluating the validity of a satellite positioning system based location fix based on at least one prior mobile station location fix stored in memory." The Examiner's reliance on Durst is misplaced. The passage of Durst referenced by the Examiner does not exist. Durst discloses an animal tracking GPS receiver that automatically provides position information to a paging transmitter when the animal changes its position,

wherein the paging transmitter re-transmits the position information to a receiver. Claim 27 is thus patentably distinguished over Jones and Durst.

## Prayer For Relief

In view of any amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ ROLAND K. BOWLER II /

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